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EXAMINER ANDERSON, FOLASHADE				
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/726,999

Applicant(s)

BARRERA, MARCO JULIO

Examiner

FOLASHADE ANDERSON

Art Unit

3623

Period for Reply -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 24 October 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-79 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-79 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 03 December 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-8508)
- Paper No(s)/Mail Date _____

- 4) ☐ Interview Summary (PTO-413)
- Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

1. This final office action in response to Applicant's submission filed on 10/24/2008. Currently, claims 1-79 are pending. Claims 1, 5, 10, 13, 15, 23, 33, 35, 40-49, 51, 60, 62, 64, 65, 70, and 74-79 are amended.

Response to Amendment

2. Applicant's amendment to the specification at line 4, page 13 is sufficient to overcome the drawing objection with respect to figure 1 set forth in the previous office action.
3. Applicant's amendment to the specification at line 8 of page 24 is sufficient to overcome the specification objection set forth in the previous office action.
4. Applicant's amendment to claim 44 is sufficient to overcome the claims objection set forth in the previous office action.
5. Applicant's amendment to claim 33 is sufficient to overcome the 35 USC 112, first paragraph, rejection set forth in the previous office action. The rejection with respect to claims 33-41 is now moot.
6. Applicant's amendment to claim 42 is sufficient to overcome the 35 USC 112, first paragraph, rejection set forth in the previous office action. The rejection with respect to claims 42-49 is now moot.
7. Applicant's amendment to claim 51 is sufficient to overcome the 35 USC 112, first paragraph, rejection set forth in the previous office action. The rejection with respect to claims 51-59 is now moot.
8. Applicant's amendment to claim 62 is sufficient to overcome the 35 USC 112, first paragraph, rejection set forth in the previous office action. The rejection with respect to claims 62 and 63 is now moot.

9. Applicant's amendment to claim 65 is sufficient to overcome the 35 USC 112, first paragraph, rejection set forth in the previous office action. The rejection with respect to claims 65-69 is now moot.
10. Applicant's amendment to claim 1 is sufficient to overcome the 35 USC 112, second paragraph, rejection set forth in the previous office action. The rejection with respect to claims 1-12 is now moot.
11. Applicant's amendment to claim 5 is sufficient to overcome the 35 USC 112, second paragraph, rejection set forth in the previous office action. The rejection with respect to claims 5 is now moot.
12. Applicant's amendment to claim 10 is sufficient to overcome the 35 USC 112, second paragraph, rejection set forth in the previous office action. The rejection with respect to claims 10-12 is now moot.
13. Applicant's amendment to claim 15 is sufficient to overcome the 35 USC 112, second paragraph, rejection set forth in the previous office action. The rejection with respect to claims 15-32 is now moot.
14. Applicant's amendment to claim 23 is sufficient to overcome the 35 USC 112, second paragraph, rejection set forth in the previous office action. The rejection with respect to claims 23-32 is now moot.
15. Applicant's amendment to claim 33 is sufficient to overcome the 35 USC 112, second paragraph, rejection set forth in the previous office action. The rejection with respect to claims 35-41 is now moot.

16. Applicant's amendment to claim 60 is sufficient to overcome the 35 USC 112, second paragraph, rejection set forth in the previous office action. The rejection with respect to claims 60-63 is now moot.
17. Applicant's amendment to claim 65 is sufficient to overcome the 35 USC 112, second paragraph rejection set forth in the previous office action. The rejection with respect to claims 65-69 is now moot.
18. Applicant's amendment to claim 74 is sufficient to overcome the 35 USC 112, second paragraph, rejection set forth in the previous office action. The rejection with respect to claims 74-79 is now moot.
19. Applicant's amendment to claim 74 is sufficient to overcome the 35 USC 101 rejection set forth in the previous office action. The rejection with respect to claims 74-79 is now moot.

Response to Arguments

20. Applicant's arguments, with respect to 35 UCS 112, second paragraph rejection, with respect to claims 6-12 have been fully considered and are persuasive. The 35 UCS 112, second paragraph, with respect to claims 6-12 of previous office action has been withdrawn.
21. Applicant's arguments, with respect to 35 UCS 112, second paragraph rejection, with respect to claims 70-73 have been fully considered and are persuasive. The 35 UCS 112, second paragraph, with respect to claims 70-73, of previous office action has been withdrawn.
22. Applicant's arguments with respect to the 35 USC 101 rejection raised in regards to claims 1, 13, and 64 have been considered but are moot in view of the new ground(s) of rejection. Applicant has amended the method step to state "**A method of managing ammunition for military unit training events, said method comprising the step of : obtaining a computer with an ammunition management software program running thereon, wherein said software program computes the allocation and logistics for ammunition requirements of the military unit training events.**" With respect to this claim, the claim language recites the steps of "obtaining a computer" with a specific type of software; however the claim language does not include the required tie or transformation. Even in interrupting the claim in of the specification there is nothing which explains how the step of "obtaining a computer" is tied to another

statutory class as such the reject is update to incorporate the amended claim language.

23. Applicant's arguments with respect to the 35 USC 101 rejection raised in regards to claim 42 has been fully considered but are not persuasive. Applicant argues that the specification provides the preferred embodiment i.e. software loaded onto a computer and has amended the claim to recite, **"At least one computer software program running on a computer, said program comprising instructions for implementing a method of ammunition management, said instructions including the functions of: (a) receiving forecast of training events from user level units; and (b) utilizing the computer to process said forecasts of the training events into ammunition requirements."** However the amendment to the claim does not serve to further clarify if the software stored to the computer is executed by the computer or simply stored to the computer for later display to a user for execution, i.e. non functional descriptive material. The rejection is maintained when nonfunctional descriptive material, instructions, is recorded on a computer readable medium it is not statutory since no requisite functionality is present to satisfy the practical application requirement, see MPEP 2106.01.
24. Applicant's arguments with respect to the 35 USC 102(a) rejection raised in regards to claim 1 has been fully considered but are not persuasive. Applicant argues the "TAMIS-R does not . . . enable a user to develop training events . . . within the system then extracts the required ammunition." In response to

applicant's argument that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies (i.e., enable a user to develop training events . . . within the system then extracts the required ammunition) are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993). It is noted that claim 1 as amended is directed to obtaining a computer with software embodied within it; however assuming Applicant's claim does state the method for "enabl[ing] a user to develop training events . . . within the system then extracts the required ammunition," the Examiner respectfully disagrees with Applicants interpretation of TAMIS-R (Ross (Ammunition Accounting and Management Below Retail, Jan. 2002). TAMIS-R teaches a system "collects and process training ammunition requirements . . . related data and provides real time information on forecasting" i.e. extracts the required ammunition for the training events. (Ross p.12) Nothing within the TAMIS-R states that the step of processing is done external to the TAMIS-R system as disclosed by Ross. Further Applicant has failed to site within the prior statements that support the board assertion that Ross does not teach "within the system."

25. Applicant's arguments with respect to the 35 USC 102(a) rejection raised in regards to claim 2 has been fully considered but are not persuasive. Applicant argues "[t]he 'forecast' of Ross are developed outside of Ross by the user level

and then are input as manual totals into TAMIS-R." The Examiner respectfully disagrees Applicant's arguments fail to comply with 37 CFR 1.111(b) because they amount to a general allegation that the claims define a patentable invention without specifically pointing out how the language of the claims patentably distinguishes them from the references.

26. Applicant's arguments with respect to the 35 USC 103(a) rejection raised in regards to claim 9 has been fully considered but are not persuasive. Applicant argues "Pure is non-analogous art because there is absolutely no logical reason a person would look to a diaper distributor or their technology in the design of managing ammunition for military unit training events." Examiner respectfully disagrees, analogous art is one that it has been held that a prior art reference must either be in the field of applicant's endeavor or, if not, then be reasonably pertinent to the particular problem with which the applicant was concerned, in order to be relied upon as a basis for rejection of the claimed invention. See *In re Oetiker*, 977 F.2d 1443, 24 USPQ2d 1443 (Fed. Cir. 1992). In this case, Pure as analogous art was used to show the obviousness of "including ammunition of supplies from supplier organizations into ammunition inventories," i.e. inventory management. Pure teaches this type of inventory management "we (supplier) will deliver the number you returned soiled the prior week, up to the maximum of your weekly diaper order. We assume that if you do not return all of your diapers soiled that you still have clean diapers at home (ammunition inventories) to supplement your next weeks delivery." (Pure p. 4) What Pure is in effect

teaching is the count of items on hand plus the items coming from the supplier as one inventory thus solving the same problem of inventory management that Applicant seeks to solve in the claim limitation as such Pure is analogous to the claimed feature of the Applicant's invention.

27. Applicant's arguments with respect to the 35 USC 103(a) rejection raised in regards to claim 9 has been fully considered but are not persuasive. Applicant argues "Pure is solving a different problem than that which is recited in the Applicants' claim." Examiner respectfully disagrees the section cited as analogous is titled "diaper count" and directly discusses inventory levels to include stock on hand as well as expected stock from the supplier i.e. inventory management the same problem Applicant seeks to solve with claimed limitation, thus analogous.

Claim Objections

28. Claim 15 objected to under 37 CFR 1.75(c), as being of improper dependent form for failing to further limit the subject matter of a previous claim. Applicant is required to cancel the claim(s), or amend the claim(s) to place the claim(s) in proper dependent form, or rewrite the claim(s) in independent form. Claim 1 recites the step of obtaining a computer... claim 15 recites the step of obtaining a computer... the depended claim performs the exact same step of obtaining a computer thus improper.

Claim Rejections - 35 USC § 112

29. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

30. Claim 1-12, 13-32 and 64 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. Claim 1 recites the step of "obtaining a computer" with a specific type of software embodied thereon; however, the specification does not define what is meant by "obtaining" which is a procurement type of activity.

It is clear to the Examiner that the purpose of Applicant's intention is not procure a computer with software; but to use the software embodied on the computer to compute ammunition requirements for training events. Examiner suggest claim language along the lines of ". . . computing ammunition allocations and logistics requirements, in a computer (i.e. processor), for military unit training events." Support for the suggested claim language can be found on page 7, lines 13-23 of Applicant's specification.

Claims 2-12 depend from claim 1 and therefore suffer similar deficiencies and are rejected for the same reasoning given above. Correction is required.

Independent claim 13 also recites the language of "obtaining a computer" thus is rejected for the same reasoning given with respect to claim 1. Claims 14-32 depend from claim 13 and therefore suffer similar deficiencies and are rejected for the same reasoning given above. Correction is required.

Independent claim 64 also recites the language of "obtaining a computer" thus is rejected for the same reasoning given with respect to claim 1.

31. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

32. Claims 1-12 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. It is unclear what is to be bound in the

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limitation of "obtaining a computer," for purposes of examination the limitation is being interpreted to mean procuring a computer.

Claims 13-32 and 64 recite similar claim language thus are rejected for the same reasoning given above.

Claim Rejections - 35 USC § 101

33. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

Claims 1-12

Claim 1 is rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter.

In order for a method to be considered a "process" under §101, a claimed process must either: (1) be tied to another statutory class (such as a particular apparatus) or (2) transform underlying subject matter (such as an article or materials). *Diamond v. Diehr*, 450 U.S. 175, 184 (1981); *Parker v. Flook*, 437 U.S. 584, 588 n.9 (1978); *Gottschalk v. Benson*, 409 U.S. 63, 70 (1972). If neither of these requirements is met by the claim, the method is not a patent eligible process under §101 and is non-statutory subject matter.

With respect to independent claim 1, the claim language recites the steps of "obtaining a computer", etc.; however the claim language does not include the required tie or transformation.

Claims 2-12 are rejected based upon the same rationale, wherein the claim language does not include the required tie or transformation.

Independent claim 13 also recites the language of "obtaining a computer" thus is rejected for the same reasoning given with respect to claim 1. Claims 14-32

depend from claim 13 and therefore suffer similar deficiencies and are rejected for the same reasoning given above. Correction is required.

Independent claim 64 also recites the language of "obtaining a computer" thus is rejected for the same reasoning given with respect to claim 1.

Claims 42-49

Per Claim 42 the claimed invention is directed to non-statutory subject matter. When nonfunctional descriptive material, **instructions**, is recorded on a computer readable medium it is not statutory since no requisite functionality is present to satisfy the practical application requirement, see MPEP 2106.01.

Claims 41-49 depend from claim 42 and therefore suffer similar deficiencies. Correction is required.

Claim Rejections - 35 USC § 103

34. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

35. Claims 1 and 2 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ross (Ammunition Accounting and Management Below Retail, Jan. 2002) in view of Andrews (Knowledge can be power when buying right system – research prevents committing compucide, published 09/24/1985).

Claim 1

Ross teaches **a method of managing ammunition for military unit training events, said method comprising the step of: a computer with an ammunition management software program running thereon, wherein said software program computes the allocation and logistics for ammunition requirements of the military unit training events** (p. 12, TAMIS-R is an Army managed system that collects and process training ammunition requirements, authorizations, expenditures and related data).

Further the limitation **"for ammunition requirements of the military unit training events"**. As per MPEP 7.37.09: a recitation of the intended use of the claimed invention must result in a structural difference between the claimed invention and

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the prior art in order to patentably distinguish the claimed invention from the prior art. If the prior art structure is capable of performing the intended use it meets the claim.

While it is inherent that the user of the invention of Ross must have obtained a computer to use the invention Ross does not express teach **obtaining a computer**.

Andrews teaches **obtaining a computer** (p. 1, "As someone who has purchased several computer systems for himself and friends") in an analogous art for the purpose of computer shopping.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to include the invention of Ross the obtaining a computer as taught by Andrews since the claimed invention is merely a combination of old elements, and in the combination each element merely would have performed the same function as it did separately, and one of ordinary skill in the art would have recognized that the results of the combination were predictable.

Claim 2

Ross teaches **receiving forecasts of the training events** (p. 12, TAMIS-R is an Army managed system that collects and process training ammunition requirements, where the Examiner understands the requirements to be the input for the real time forecast mentioned in the same paragraph of Ross).

36. Claims 3-8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ross (Ammunition Accounting and Management Below Retail, Jan. 2002) and Andrews (Knowledge can be power when buying right system – research prevents committing compucide, published 09/24/1985) as applied above to claim 1 and in further view of Lidow (US Patent 7,003,474 B2).

Claim 3

Ross does not expressly teach **determining the ammunition requirements for the training events**. However this features is implied in the step of collecting ammunition requirements (pg. 12)

Lidow teaches the server my extrapolate forecasts based on expected demand and historical data (col. 13, lines 40-44) which is analogous to **determining the ammunition requirements for the training events**. *It is noted that the instant application is directed to the ammunition support activities for a training exercise. Give the broadest reasonable interpretation this activity is analogous to the example of Lidow in that ammunition support is a specific form of supply change management. In that the ammunition of the instant application are the equivalent of a supply order and the training event is any activity for which the supply order with support.*

It would have bee obvious to one of ordinary skill in the art at the time the invention was made to use the analogous teaching of Lidow in the invention of Ross and

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Andrews to ensure that the step of determining is not a guess but grounded in past experiences.

Claim 4

Ross teaches the processing of training requirements (pg. 12) which implies allocation however the feature is not expressly teach the **allocating the ammunition for the training events**.

Lidow teaches the instruction indicate how the order is to be broken down and re-assembled in the exact quantities required by the specific customer (col. 5 lines 64-66) which is analogous to **allocating the ammunition for the training events**.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to include the invention of Ross and Andrews the allocating the ammunition for the training events as taught by Lidow since the claimed invention is merely a combination of old elements, and in the combination each element merely would have performed the same function as it did separately, and one of ordinary skill in the art would have recognized that the results of the combination were predictable.

Claim 5

Ross is silent on **comparing via said software program the ammunition requirements with the forecast for available ammunition inventories**.

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Lidow teaches determining if demand if customer demands exceed supply (col. 6, lines 28-29) which is analogous to **comparing the ammunition requirements with available ammunition inventories.**

It would have bee obvious to one of ordinary skill in the art at the time the invention was made to use the analogous teaching of Lidow in the invention of Ross and Andrews to allow time to provide solutions if demand exceeds supply.

Claim 6

Ross is silent on the **adjusting the ammunition allocations to reflect the ammunition requirements and the ammunition inventories.**

Lidow teaches the instruction indicate how the order is to be broken down and reassembled in the exact quantities required by the specific customer (col. 5 lines 64-66). However Lidow is silent as to whether or not the order break down takes current inventory levels in to consideration thus Lidow is also silent on **adjusting the ammunition allocations to reflect the ammunition requirements and the ammunition inventories.**

Official notice is taken that it was old and well known in the art of supply chain management that when an order is received to allocated the available inventory to an order and then show the portion of the order not allocated as a need.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to use the old and well known technique of supply chain order management in the invention of Ross and Andrews to minimize erroneous stock levels.

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Claim 7

Ross is silent on **requesting ammunition from supplier organizations for the training events.**

Lidow teaches a specific order is released to the supplier (col. 12, lines 9-10) which is analogous to **requesting ammunition from supplier organizations for the training events.**

It would have been obvious to use the teachings of Lidow in the invention Ross to facilitate the processing of data related to training requirements.

Claim 8

Ross teaches **approving the ammunition allocations** (pg. 12, the Examiner understands that within the context of Ross the authorization implies that it is directed towards allocation).

37. Claims 9-79 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ross (Ammunition Accounting and Management Below Retail, Jan. 2002), Andrews (Knowledge can be power when buying right system – research prevents committing compucide, published 09/24/1985) and Lidow (US Patent 7,003,474 B2) as applied above and in further view of Pure & Natural Diaper Service (www.seattlediaper.com, published 02/02/2002). Herein referred to as Pure.

Claim 9

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Ross, Andrews and Lidow are silent on **including ammunition supplies from the supplier organizations into the ammunition inventories.**

Pure teaches the deliver of fresh diaper to be combined with the inventory of clean diapers at home to equal a full order (pg. 4, see diaper count) which is analogous to **including ammunition supplies from the supplier organizations into the ammunition inventories.**

It would have been obvious to one of ordinary skill in the art at the time the invention was made to use the teachings of Pure in the invention of Ross, Andrews and Lidow to have an accurate account of the supplies in relation to the request.

Claim 10

Ross and Andrews are silent on the **distributing the approved ammunition allocations to user level units by picking ammunition products from a supplier organization and distributing said ammunition products to a customer organization.**

Lidow teaches the transportation of products from suppliers to customers (col. 22, lines 16-18) which is analogous to **requesting ammunition from supplier organizations for the training events by picking ammunition products from a supplier organization and distributing said ammunition products to a customer organization.**

It would have been obvious to one of ordinary skill in the art at the time the invention was made to use the teachings of Lidow in the invention of Ross and Andrews to facilitate the processing of training ammunition requirements.

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Claim 11

Ross and Andrews are silent on **making an accounting for physical distribution of the ammunition and its associated packaging material.**

Lidow teaches the server can monitor the flow of products (col. 12, line 52) which is analogous to **making an accounting for physical distribution of the ammunition and its associated packaging material.**

It would have been obvious to one of ordinary skill in the art at the time the invention was made to use the teachings of Lidow in the invention of Ross and Andrews to facilitate the processing of training ammunition requirements.

Claim 12

Ross and Lidow are silent on **the step of: returning residue from the ammunition and the packaging material for recycling.**

Pure teaches the collection, cleaning and reuse of diapers (pg. 3, diaper pick up & delivery).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to use the teachings of Pure in the invention of Ross to have an accurate account of the supplies and allow for the reuse of packing material.

Claims 13-79 are similar to claims 1-12 for example: claim 13 is a combination of claims 1 and 3. As such claims 13-79 are rejected for substantially the same reason given above with regards to claims 1-12.

Conclusion

38. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, THIS ACTION IS MADE FINAL. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to FOLASHADE ANDERSON whose telephone number is (571)270-3331. The examiner can normally be reached on Monday through Thursday 8:00 am to 5:00 pm EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Beth Boswell can be reached on (571) 272-6737. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Folashade Anderson/
Examiner, Art Unit 3623

/Andre Boyce/
Primary Examiner, Art Unit 3623